



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Tajikistan under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

I. Introduction

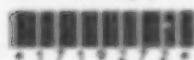
1. The Committee considered the report of Tajikistan (CRC/COPAC/TJK/1) at its 2228th meeting (see CRC/C/SR.2228), held on 14 September 2017, and adopted the present concluding observations at its 2231st meeting, held on 29 September 2017.
2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/COPAC/TJK/Q/1 Add.1). The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.
3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined third to fifth periodic reports submitted by the State party under the Convention (CRC/C/TJK/CO/3-5) and on the report of the State party submitted under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/TJK/CO/1), both adopted on 29 September 2017.

II. General observations

Positive aspects

4. The Committee welcomes the accession by the State party to the International Labour Organization's Worst Forms of Child Labour Convention, 1999 (No. 182), in June 2005.
5. The Committee notes with appreciation:
 - (a) The State party's declaration upon ratification prohibiting voluntary recruitment into the Armed Forces of the State party to persons who have not attained the age of 18 years;
 - (b) That the Optional Protocol has the status of law in the State party;
 - (c) The adoption of the National Humanitarian Mine Action Law, in 2016.

* Adopted by the Committee at its seventy-sixth session (11-29 September 2017).



III. General measures of implementation

Legislation

6. The Committee notes as positive the information contained in the State party report that the Optional Protocol takes precedence over national law, since the Constitution provides that international legal instruments recognized by the State party are an integral part of its legal system.

7. The Committee recommends that the State party review and amend the existing legislation, in particular the Criminal Code, in order to comply with the object and purpose of the Optional Protocol.

Coordination

8. The Committee notes the involvement of many entities in the implementation of the Optional Protocol, working within their scope of competence. However, the Committee is concerned about the lack of information about the entity in charge of coordinating the implementation of the Optional Protocol.

9. With reference to paragraph 7 of its concluding observations under the Convention (CRC/C/TJK/CO/3-5), the Committee recommends that the State party ensure better coordination among the various ministries, agencies and committees working on developing and implementing child rights policies relevant to the Optional Protocol.

Dissemination, awareness-raising and training

10. The Committee notes as positive the inclusion of a course on respect for human rights in times of armed conflict, for military personnel and others, in the 2013-2020 Programme for Human Rights Education. However, the Committee is concerned that training on the provisions of the Optional Protocol seems to be insufficient. It is also concerned that awareness of the Optional Protocol among the general public is low.

11. The Committee recommends that the State party:

(a) Ensure that the principles and provisions of the Optional Protocol are widely disseminated to the general public and in particular among children;

(b) Strengthen human rights training, with specific training on the provisions of the Optional Protocol for all relevant professional groups, in particular the armed forces;

(c) Develop awareness-raising, education and training programmes on the provisions of the Optional Protocol for relevant professional groups working for or with children, including members of international peacekeeping forces, law enforcement and immigration officers, prosecutors, lawyers, judges, social workers, medical professionals, teachers, media professionals, and local and district officials.

Data

12. The Committee regrets the inadequate mechanism for data collection, analysis and monitoring for all areas covered by the Optional Protocol. It notes with concern that insufficient data was provided relating to the implementation of the Optional Protocol, including data on asylum-seeking, refugee, and unaccompanied migrant children who enter the State party and may have been recruited or used in hostilities abroad.

13. The Committee recommends that the State party establish a centralized mechanism for the comprehensive collection of information and disaggregated statistics on the implementation of the Optional Protocol, and for the identification and registration of all children under its jurisdiction who may have been recruited or used in hostilities by non-State armed groups abroad, including refugee and asylum-seeking children. It also requests that it provide information on the implementation of this recommendation in its next periodic report under the Convention.

IV. Prevention

Prevention of recruitment by non-State armed groups

14. In the light of information that families with children have been reported to have travelled from the State party to territories where armed conflicts are currently ongoing, the Committee is seriously concerned at the insufficient measures taken by the State party to prevent radicalization and recruitment into violent extremist groups.

15. The Committee urges the State party to develop a strategy to tackle the growing problem of increased extremism, radicalization and recruitment into armed groups. It also recommends that the State party increase its efforts to ensure the rehabilitation and reintegration of children who return from territories where armed conflicts are currently in progress.

Military schools

16. The Committee is concerned that:

- (a) The curricula in military schools are not under the auspices of the Ministry of Education and Science;
- (b) Children can enrol in upper secondary military school from the age of 15 and receive military training;
- (c) Children in military colleges are on active military service as conscripts, are trained in the use of weapons, and, after completing their first year of studies, may participate in hostilities.

17. The Committee recommends that the State party ensure that:

- (a) The curricula in military schools are designed by the Ministry of Education and Science, taking into account human rights principles;
- (b) Students of military schools are not trained in the use of weapons or deployed to any armed conflict before the age of 18.

Human rights and peace education

18. The Committee welcomes the programmes that incorporate human rights education into the educational system, and the fact that the Ministry of Defence Military Institute also carries out regular human rights training for military personnel. The Committee is concerned, however, by the absence of information on the availability of human rights and peace education in the school curricula for children, including children in upper secondary military schools and military colleges.

19. The Committee recommends that the State party adopt measures to strengthen peace education in the school curricula and to encourage a culture of peace and tolerance within schools, including upper secondary military schools and military colleges. It also recommends that the State party increase human rights and peace education in the training of teachers, judges, civil servants, law enforcement officers and military personnel, at every level.

V. Prohibition and related matters

Criminal legislation and regulations in force

20. The Committee is seriously concerned that the legislation of the State party does not explicitly criminalize the recruitment and use of children under 18 years of age in hostilities, by the armed forces and non-State armed groups. The Committee is also concerned that the recruitment of children below the age of 15 has not been defined as a war crime in the State party's legislation.

21. The Committee urges the State party to:

- (a) Explicitly prohibit and criminalize in law the recruitment and use of children under 18 years of age in hostilities, by the armed forces, non-State armed groups and security companies;
- (b) Define and punish the recruitment of children under the age of 15 as a war crime;
- (c) Ensure that all military codes, manuals and other military directives are in accordance with the provisions of the Optional Protocol.

Extraterritorial jurisdiction and extradition

22. The Committee regrets that national legislation on extraterritorial jurisdiction does not cover all the offences referred to in the Optional Protocol. It is also concerned that extradition is subject to the principle of double criminality.

23. The Committee recommends that the State party take all measures necessary to ensure that its national legislation enables it to establish and exercise extraterritorial jurisdiction and to include in its extradition treaties the offences under the Optional Protocol. It also recommends that the State party take steps to ensure that a dual criminality requirement is not used in cases of extradition for offences covered by the Optional Protocol.

VI. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

24. The Committee regrets that insufficient information was provided on measures taken to identify children, including refugee and asylum-seeking children, who may have been recruited or used in hostilities abroad, as well as information on measures taken for their physical and psychological recovery and social reintegration.

25. The Committee encourages the State party to establish an identification process for children who may have been recruited or used in hostilities abroad, and to take the necessary measures for their physical and psychological recovery and social reintegration. Such measures should include careful assessment of the situation of these children, reinforcement of the legal advisory services available for them and the provision of immediate, culturally responsive, child-sensitive and multidisciplinary assistance for their physical and psychological recovery and social reintegration.

Landmines

26. The Committee is seriously concerned that children continue to be affected by landmines and that children affected by the explosion of mines and other consequences of the civil war do not receive adequate assistance for their physical and psychological recovery.

27. The Committee urges the State party to strengthen mine-awareness campaigns and demining activities and ensure that all children affected by the explosion of mines and other consequences of the civil war have access to victim assistance and rehabilitation programmes.

Assistance for physical and psychological recovery and social reintegration

28. The Committee notes the information provided by the State party delegation on cases of Tajik children who return from zones of armed conflict abroad and who may have been involved in hostilities in recent years. The Committee is concerned by the paucity of information on measures adopted to provide assistance for the physical and psychological recovery and social reintegration of those children.

29. The Committee recommends that the State party strengthen and continue the measures necessary to provide children who may have been involved in armed conflict

abroad with the appropriate assistance for their physical and psychological recovery, when and if identified.

VII. International assistance and cooperation

International cooperation

30. The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund (UNICEF) and other United Nations entities in the implementation of the Optional Protocol.

Arms export and military assistance

31. The Committee recommends that the State party ratify the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

VIII. Ratification of the Optional Protocol on a communications procedure

32. The Committee recommends that, in order to further strengthen the fulfilment of children's rights, the State party ratify the Optional Protocol on a communications procedure.

IX. Implementation and reporting

A. Follow-up and dissemination

33. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the Ministry of Defence, the Supreme Assembly, the Supreme Court, and local authorities, for appropriate consideration and further action.

34. The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.

B. Next periodic report

35. In accordance with article 8 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.